

**VIRGINIA BOARD OF DENTISTRY  
MINUTES OF REGULATORY/LEGISLATIVE COMMITTEE  
DECEMBER 2 - 3, 2010**

**TIME AND PLACE:** The meeting of the Regulatory/Legislative Committee of the Board of Dentistry was called to order at 3:46 p.m. on December 2, 2010 in Board Room 3, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

**PRESIDING:** Robert B. Hall, Jr., D.D.S., Chair

**MEMBERS PRESENT:** Jacqueline G. Pace, R.D.H.  
Herbert R. Boyd., D.D.S

**MEMBER ABSENT:** Meera A. Gokli, D.D.S.

**OTHER BOARD MEMBER PRESENT:** Martha Cutright, D.D.S.

**STAFF PRESENT:** Sandra K. Reen, Executive Director  
Huong Vu, Administrative Assistant

**OTHERS PRESENT:** Howard M. Casway, Senior Assistant Attorney General  
Elaine Yeatts, Senior Policy Analyst, Department of Health Professions

**ESTABLISHMENT OF A QUORUM:** With three members of the Committee present, a quorum was established.

**PUBLIC COMMENT:** None.

**MINUTES:** Dr. Hall asked if the members had reviewed the minutes of the November 5, 2010 meeting. Dr. Boyd moved to accept the minutes. The motion was seconded and passed.

**STATUS REPORT ON REGULATORY ACTIONS:**

**Periodic Review; Reorganization of Chapter** - Ms. Yeatts reported that the NOIRA stage is complete and the request for an extension of time for publication of the proposed regulations has been submitted.

**Recovery of Disciplinary Costs** – Ms. Yeatts reported that these proposed regulations are still pending the Governor’s approval for publication.

**Registration of Mobile Clinics** – Ms. Yeatts reported that these proposed regulations are the replacement of the emergency regulations that will expire on January 7, 2011. They are at the Governor’s office for approval to publish. She added that an extension of the emergency regulations has been requested but not yet granted by the Governor.

**Registration and Practice of Dental Assistants** – Ms. Yeatts reported that these regulations are also at the Governor's office for approval for publication as final regulations.

**VCU SCHOOL OF  
DENTISTRY LEGISLATIVE  
PROPOSAL:**

Ms. Reen asked the Committee to address the legislative proposal prepared by the VCU School of Dentistry before discussing regulatory review. All members of the Committee agreed.

Ms. Reen reported that she has on several occasions discussed concerns about the current licensure requirements for teaching with members of the VCU School of Dentistry faculty. She said as a result of the discussions she recommended that the School look at the four provisions in the Code of Virginia which permit practice at the school – teaching license, faculty license, restricted foreign dentist license, and temporary resident license – to address the problems being experienced in recruitment. Ms. Reen then introduced Rebecca Pousson from the School and asked her to review the proposal.

Ms. Pousson thanked the Committee for the opportunity to address the School's concerns regarding licensure requirement and the barriers created by current provisions for clinical examinations and CODA accredited programs make it difficult to employ highly qualified foreign trained dentists to teach. She added that American trained dentists are not pursuing careers in academic settings. She noted that the barriers are especially problematic for advanced specialty positions. She then reviewed the School's proposal as follows:

- In §54.1-2709.B(iii) replace "**Part I and Part II**" of the examination given by the Joint Commission on National Dental Examinations with "**all parts**" because there are discussions underway to reformat the exam to combine Parts I and II or create a third part.
- Add two provisions in §54.1-2709 to address licenses for faculty members, persons enrolled in advanced dental education programs and accredited continuing education programs. Ms. Reen noted that there is currently no accrediting body for continuing education programs and that the addition of a temporary license for continuing education was a significant change with broad implications that need to be considered.
- Delete the sentence in §54.1-2711.1 which requires completion of the education required to sit for an examination given by the Board for a temporary residents license.
- Include accredited continuing dental education programs in §54.1-2711.1.B.
- Rewrite §54.1-2713 to eliminate the teaching license and revise the requirements for a faculty license to eliminate requirements for completion of CODA accredited programs and to permit failure of a clinical competency examination on two attempts and still qualify for a faculty license. A provision was added to allow the Board to issue the license based on opinion that the applicant is otherwise qualified. Ms. Reen stated her concerns that these changes raise questions about the minimum competency standard for practice.
- Delete §54.1-2714.1.

Ms. Reen noted that the provisions for teaching dental hygiene in §54.1-2725 should be reviewed for possible changes consistent with those proposed a dental faculty license. She also said that there needs to be a provision for denying a license when grounds exist pursuant to §54.1-2706. She then suggested that work on the identified policy concerns would be needed before she could recommend support of the legislation by the Board. Ms. Reen asked the Committee to recommend to the Board that staff be authorized to work with the School to address the identified policy concerns and to offer technical assistance in re-drafting the bill. All agreed.

**ADJOURNMENT:**

At 4:55 p.m., Dr. Hall announced that the Committee will recess for the day and reconvene at 1:00 p.m. on December 3, 2010 to go over the remaining agenda items.

**RECONVENE:**

The meeting reconvened at 1:30 p.m. on December 3, 2010 in Board Room 3, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

**PRESIDING:**

Robert B. Hall, Jr., D.D.S., Chair

**MEMBERS PRESENT:**

Jacqueline G. Pace, R.D.H.  
Herbert R. Boyd., D.D.S

**MEMBER ABSENT:**

Meera A. Gokli, D.D.S.

**OTHER BOARD**

**MEMBERS PRESENT:**

Paul N. Zimmet, D.D.S.  
Jeffrey Levin, D.D.S.  
Augustus A. Petticolas, Jr., D.D.S.  
Martha Cutright, D.D.S.

**STAFF PRESENT:**

Sandra K. Reen, Executive Director  
Huong Vu, Administrative Assistant

**OTHERS PRESENT:**

Howard M. Casway, Senior Assistant Attorney General  
Elaine Yeatts, Senior Policy Analyst, Department of Health Professions

**ESTABLISHMENT OF  
A QUORUM:**

With three members of the Committee present, a quorum was established.

**PERIODIC REVIEW OF  
REGULATIONS:**

**Second Review Draft of Dental Hygiene Chapter** – Ms. Yeatts noted that changes have been made to the discussion draft since the last meeting and led the Committee in discussion as follows:

18VAC60-25-10 - Ms. Yeatts asked Dr. Levin to develop definitions for “Monitoring” and “Topical oral anesthetics.”

18VAC60-25-30 – Dr. Boyd asked that “*issued by the Board*” be added in the second line but consensus was not to make the change.

18VAC60-25-50.A – Ms. Reen noted the conflict between provisions A and F regarding when a dental hygienist might provide educational services and advised that A is the statutory language.

18VAC60-25-50.B – Ms. Yeatts expressed concerns about limiting scope of practice to CODA accredited programs. Following discussion this section was deleted.

18VAC60-20-50.C.2 - Dr. Boyd asked if this needed to be amended to address the cutting involved in performing scaling and root planing. Consensus was to add these as exceptions by reference to 18VAC60-20-50.D.1 and E.1.

18VAC60-25-50.D.1 and E.1 – Ms. Yeatts reported that “non-surgical lasers” had been added to the instruments that might be used. Ms. Reen added that “slow-speed” was also added to describe the type of rotary instrument permitted.

18VAC60-25-50.E.5 – Ms. Reen said that the exception of the duties only delegable to DAsII will need to be added.

18VAC60-25-50.F – The consensus was to delete this section since it conflicts with the statutory provisions for dental hygienists.

18VAC60-25-70.D – After discussing the revised language for changing the level of supervision, it was agreed to use the language in the current regulations.

18VAC60-25-90 – In the heading, “**anesthesia or sedation**” was replaced with “**controlled substances**.”

18VAC60-25-100.A.2 – The word “**update**” was replaced with “**reviewed**” to describe the requirement for checking health history.

18VAC60-25-100.A.3 – It was agreed to exempt prophylaxis from the treatment requiring consent.

18VAC60-25-100.A.6 – Following discussion of the acceptance of initials and the coding systems used in electronic records, it was agreed to replace “**name or initial**” with “**identity**.”

18VAC60-20-140.2 – The length of time was changed from “**years**” to “**months**.”

18VAC60-25-160.A.1.a – The reference to “**state**” was changed to “**U.S. jurisdiction**.”

18VAC60-25-160.A.3 – It was decided that the requirement for a sponsor should be moved to 18VAC60-25-160.1.A.1.

18VAC60-25-200.A.3.b – Item b) on specialty board certification was deleted.

18VAC60-25-200.B.2.b – Item b) on specialty board certification was deleted.

**First Review Draft of Dental Practice Chapter** – Ms. Yeatts noted that this is still in the drafting stage and it will be ready for the next meeting.

**NEXT MEETING:** Ms. Reen will poll the Committee members for the next meeting date.

**ADJOURNMENT:** Dr. Hall adjourned the meeting at 3:06 p.m.

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Robert Hall, Jr., D.D.S., Chair

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Sandra K. Reen, Executive Director

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Date

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Date